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COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

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PART 2

RULES REGULATING TELECOMMUNICATIONS PROVIDERS, SERVICES, AND PRODUCTS

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- (C) Include said agent or officer's title and address.
- (II) Proof of public notice. Within 15 days before the date of the proposed relinquishment, the EP or ETC shall file with the Commission a written affidavit stating its compliance with this paragraph. The affidavit shall state the date notice was completed and the method used to give notice. A copy of the notice shall accompany the affidavit.
 - (e) No hearing needs to be held if no objection, protest, or intervention is filed. If a hearing is to be held on an application, the Commission shall endeavor, within its operating constraints, to hold the hearing, or a portion thereof, at a location within the local calling area of the affected community.
 - (f) No proposed relinquishment shall be effective until the Commission issues an order approving it.
 - (g) The Commission shall permit an EP or ETC to relinquish its designation as an EP or ETC in any area served by more than one EP or ETC when the Commission concludes that the requirements of paragraphs (a) through (d) have been met.
 - (h) Within one year of the effective date of the Commission's decision approving an application for ETC/EP designation, the ETC/EP shall offer the supported services. If the ETC/EP does not offer the supported services within one year, its ETC/EP designation shall be cancelled and deemed null and void.

2189. Combined Applications.

Applicants may file to be designated as a POLR, to be designated as an ETC, and/or to be designated as an EP (pursuant to rule 2847) in a combined application. Applicants may file to relinquish designation as a POLR, to relinquish designation as an eligible provider, and to relinquish designation as an ETC in a combined application pursuant to rule 2188. In a combined application, the applicant shall follow the application process and shall provide all information required for each separate component of the combined application.

2190. Disaggregation and Targeting of Support by Rural ILECs.

A rural ILEC that selects a disaggregation path pursuant to FCC regulations found at 47 C.F.R. § 54.315 shall file its disaggregation path selection with the Commission as required by paragraphs (a), (b), or (c). In study areas in which a CLEC has been designated as a competitive ETC prior to the effective date of the FCC's rule found at 47 C.F.R. § 54.315, the rural ILEC may only disaggregate support pursuant to paragraph (a) or (b), or subparagraph (c)(I)(C).

- (a) Path 1: Rural ILECs not disaggregating and targeting federal High-Cost support:
 - (I) A rural ILEC's election of this path becomes effective upon filing by the rural ILEC with the Commission.
 - (II) This path shall remain in place for such rural ILEC for at least four years from the date of filing with the Commission except as provided in subparagraph (III) of this paragraph.

- (III) The Commission may require, on its own motion, upon petition by an interested party, or upon petition by the rural ILEC, the disaggregation and targeting of support under paragraph (b) or (c).
- (b) Path 2: Rural ILECs seeking prior regulatory approval for the disaggregation and targeting of support. The application shall include the information required by paragraph 2002(b) in addition to the requirements of this paragraph.
 - (I) A rural ILEC electing to disaggregate and target support under this subsection must file a disaggregation and targeting plan with the Commission.
 - (II) Under this subsection a rural ILEC may propose any method of disaggregation and targeting of support consistent with the general requirements detailed in 47 C.F.R. § 54.315(e).
 - (III) A disaggregation and targeting plan under this paragraph becomes effective upon approval by the Commission.
 - (IV) A rural ILEC shall disaggregate and target support under this path for at least four years from the date of approval by the Commission except as provided in subparagraph (V) of this paragraph.
 - (V) The Commission may require, on its own motion, upon petition by an interested party, or upon petition by the rural ILEC, the disaggregation and targeting of support in a different manner.
 - (VI) Requests for disaggregation under Path 2 shall be filed as an application. Such applications shall be served by the applicant upon all providers that have obtained either ETC or EP status in the rural ILEC's study area at the same time they are filed with the Commission.
- (c) Path 3: Self-certification of the disaggregation and targeting of support.
 - (I) A rural ILEC may file a disaggregation and targeting plan with the Commission along with a statement certifying each of the following:
 - (A) It has disaggregated support to the wire center level;
 - (B) It has disaggregated support into no more than two cost zones per wire center; or
 - (C) That the rural ILEC's disaggregation plan complies with a prior regulatory determination made by the Commission.
 - (II) Any disaggregation plan submitted pursuant to this paragraph must meet the following requirements:
 - (A) The plan must be supported by a description of the rationale used, including the methods and data relied upon to develop the disaggregation zones, and a discussion of how the plan complies with the requirements of this paragraph.

Such filing must provide information sufficient for interested parties to make a meaningful analysis of how the rural ILEC derived its disaggregation plan.

- (B) The plan must be reasonably related to the cost of providing service for each disaggregation zone within each disaggregated category of support.
 - (C) The plan must clearly specify the per-line level of support for each category of high-cost universal service support in each disaggregation zone provided pursuant to 47 C.F.R. §§ 54.301, 54.303, 54.305, and/or Subpart F of Part 36 of 47 C.F.R.
 - (D) If the plan uses a benchmark, the rural ILEC must provide detailed information explaining what the benchmark is and how it was determined. The benchmark must be generally consistent with how the total study area level of support for each category of costs is derived to enable a competitive ETC to compare the disaggregated costs used to determine support for each cost zone.
- (III) A rural ILEC's election of this path becomes effective upon filing by the rural ILEC to the Commission.
 - (IV) A rural ILEC shall disaggregate and target support under this path for at least four years from the date of filing with Commission except as provided in subparagraph (V) of this paragraph.
 - (V) On its own motion, upon petition by an interested party, or upon petition by the rural ILEC, the Commission may modify the disaggregation and targeting of support selected under this path.
- (d) Carriers failing to select a disaggregation path, as described in paragraphs (a), (b), or (c) of this rule, by the deadline specified in 47 C.F.R. § 54.315, will not be permitted to disaggregate and target federal high-cost support unless ordered to do so by the Commission.

2191. Uses of Disaggregation Paths.

- (a) The Commission shall use the disaggregation plans of each rural ILEC established pursuant to rule 2190 not only for disaggregation of Colorado HCSM support, but also for the disaggregation of the study area of the rural ILEC pursuant to 47 C.F.R. 54.207 into smaller discrete service areas.
- (b) Filing of petition. Where necessary, the Commission shall submit a petition to the FCC seeking the agreement of the FCC in redefining the service area of each rural ILEC as follows:
 - (I) Path 1: For rural ILECs not disaggregating and targeting support, no FCC filing is required;
 - (II) Path 2: For rural ILECs seeking prior regulatory approval for the disaggregation and targeting of support, the Commission shall submit a petition to the FCC within 60 days following the issuance of the Commission's final order in the provider's Path 2 disaggregation proceeding; or

- (III) Path 3: For rural ILECs self-certifying disaggregation and targeting of support, the Commission shall submit a petition to the FCC within 60 days following the rural ILEC's filing of election of this Path with the Commission.

2192. – 2199. [Reserved].

**Default, Alternative, and Simplified Forms of Regulation; Refraining from Regulation; and
Reclassification of Parts II and III Services**

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to identify default forms of regulation for services subject to the jurisdiction of the Commission and to establish procedures and standards concerning: alternative forms of regulation; simplified regulatory treatment for rural telecommunications providers; refraining from regulation for competitive purposes; reclassifying a regulated telecommunication service as an emerging competitive service; and deregulation of emerging competitive services.

The statutory authority for the promulgation of these rules is found at §§ 40-15-101, 40-15-203, 40-15-203.5, 40-15-207, 40-15-301, 40-15-302, 40-15-305, 40-15-501, 40-15-502, 40-15-503, and 40-2-108, C.R.S.

2200. Applicability.

Rules 2200 through 2299 are applicable to all providers of services pursuant to § 40-15-201, C.R.S., (Part II) or pursuant to § 40-15-301, C.R.S., (Part III or emerging competitive services); except that rule 2202 is only applicable to ILECs, rule 2203 is only applicable to CLECs, and Part III providers, rule 2206 is only applicable to rural ILECs, rule 2210 is only applicable to intraLATA interexchange telecommunications providers, and rule 2211 is only applicable to interLATA interexchange telecommunications providers. Nothing in rules 2200 through 2299, except rules 2210, and 2211, shall limit the Commission's authority to investigate the rates and charges assessed by providers.

2201. Definitions.

The following definitions apply only in the context of rules 2200 through 2299.

- (a) "Alternative forms of regulation" means those forms of regulation other than the default form of regulation, which may include any combination of the following elements: rate-of-return regulation, modified Tariff requirements, alternative reporting requirements, price bands, benchmark rates, detariffing, or any other such elements of alternative regulation as provided in § 40-15-302(1), C.R.S., that are consistent with the General Assembly's expression of intent stated in § 40-15-101, C.R.S.
- (b) "Applicant" means any provider who files an application with the Commission pursuant to rule 2205.
- (c) "Benchmark-rate" means an element of alternative regulation, as established by the Commission, with an established price ceiling for a service.